



Department of Defense

DIRECTIVE

NUMBER 5000.35

July 21, 2004

USD(AT&L)

SUBJECT: Defense Acquisition Regulations (DAR) Management

References: (a) DoD Directive 5000.35, "Defense Acquisition Regulations (DAR) Management," May 27, 1997 (hereby canceled)
(b) DoD Instruction 5000.63, "Defense Acquisition Regulations (DAR) System," July 31, 2002
(c) Federal Acquisition Regulation (FAR), current edition
(d) Defense Federal Acquisition Regulation Supplement (DFARS), current edition
(e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update policy and responsibilities for the management and operation of the DAR System.

1.2. Continues to authorize the publication of reference (b).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITION

Regulation. The Federal Acquisition Regulation (FAR) (reference (c)) and the Defense Federal Acquisition Regulation Supplement (DFARS) (reference (d)), and any Agency supplements to reference (c) or (d), including any contracting policy letters, clause books, automated systems, written instructions, or similar instruments.

4. POLICY

It is DoD policy to maintain an organized system for the development and control of procurement and contracting policies and procedures. The Director of Defense Procurement and Acquisition Policy shall exercise responsibility for the DoD-wide system and for developing, coordinating, issuing, and maintaining procurement and contracting policies, regulations, procedures, and forms.

5. RESPONSIBILITIES

The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) shall ensure that the Director of Defense Procurement and Acquisition Policy, in accordance with Chapter 7 of title 41, United States Code; Chapter 35 of title 44, United States Code; DoD Directive 5134.1; and Under Secretary of Defense for Acquisition (USD(A)) Memorandum, "Delegations of Authority," dated April 10, 1991 (references (e) through (h)) shall:

5.1. Approve or disapprove, pursuant to Subsection 421(d) of reference (e), procurement and contracting regulations proposed by the DoD Components that have a significant effect beyond the internal operating procedures of the Agency or a significant cost or administrative impact on contractors or offerors.

5.2. Ensure compliance with publication requirements of Section 418b of reference (e) for DoD acquisition regulations, or waive these requirements in urgent and compelling circumstances.

5.3. Fulfill the responsibilities of reference (f) for each information collection request imposed by a DoD procurement and contracting regulation.

5.4. Eliminate or reduce any redundant or unnecessary levels of review and approval in the DoD acquisition regulation system.

5.5. Act for the Secretary of Defense and the USD(AT&L) in the administration of reference (c) and any supplementing DoD regulations and procedures; serve as the Department of Defense's representative on the Federal Acquisition Regulatory Council;

and issue and maintain reference (c), in accordance with Subsection 421(f) of reference (e) and in conjunction with the General Services Administration and the National Aeronautics and Space Administration.

5.6. Publish, maintain, and disseminate reference (d) and DFARS Procedures, Guidance, and Information (reference (i)) on a worldwide basis.

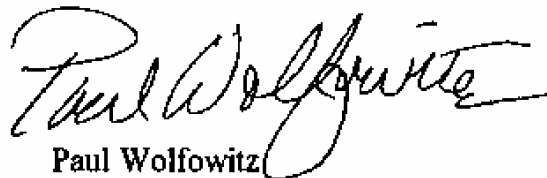
5.7. Ensure transparency and efficiency in the Department of Defense's rulemaking processes and procedures.

5.8. Ensure that DoD acquisition regulations are consistent with reference (c), and any that are redundant with reference (c) or are otherwise unnecessary are eliminated.

5.9. Serve as the approval authority in the Department of Defense for any reference (c) or (d) class deviations, and for all DoD individual reference (c) or (d) deviations in the categories in Part 201 of reference (d).

6. EFFECTIVE DATE

This Directive is effective immediately.


Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Chapter 7 of title 41, United States Code, "Office of Federal Procurement Policy"
- (f) Chapter 35 of title 44, United States Code, "Coordination of Federal Information Policy"
- (g) DoD Directive 5134.1, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," April 21, 2000
- (h) Under Secretary of Defense for Acquisition (USD(A)) Memorandum, "Delegations of Authority," April 10, 1991
- (i) DFARS Procedures, Guidance, and Information (PGI), ¹ current edition

¹ PGI is available at <http://www.acq.osd.mil/dpap/dars/index.htm>.